

REMARKS

In the March 9, 2007 Office Action, claim 5 was objected to and claims 1-20 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the March 9, 2007 Office Action, Applicants have amended claims 2, 5, 8-10, 12-15 and 18-20 and canceled claims 1 and 11 as indicated above. Applicants wish to thank the Examiner for the thorough examination of this application. Thus, claims 2-10 and 12-20 are pending, with claims 2, 5, 12 and 20 being the only independent claims.

Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Claim Objections

In page 2 of the Office Action, claim 5 was objected to. In response, Applicants have amended claim 5 to correct typographical errors. Specifically, a term "parties" was inserted after a term "selling" in claim 5. Applicants believe that claim 5 is now correct. Withdrawal of the objections is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

In pages 2-5 (paragraphs 1 and 2) of the Office Action, claims 1, 3, 6, 8, 9, 11, 13-16, 18 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0078288 to Forbis et al. (hereinafter "Forbis et al. publication"), as supported by the Provisional Application No. 60390013. In response, Applicants have canceled claims 1 and 11 and rewritten claims 2 and 12 in independent form and further amended claims 2 and 12 to clearly define the present invention over the prior art of record. Furthermore, Applicants have amended claims 8, 9 and 18 in view of the

cancellation of claims 1 and 11.

In particular, independent claim 2 now recites displaying information prompting the ordering party to enter *the plurality of* selling parties *for receiving* the price revision. Independent claims 12 and 20 now recite presenting on the ordering party terminal a display prompting entry of *the plurality of* selling parties *for receiving* the price revision. These structures are *not* disclosed or suggested by the Forbis et al. publication or any other prior art of record.

Specifically, the Forbis et al. publication *fails to* disclose displaying information prompting the ordering party to enter *the plurality of* selling parties *for receiving* the price revision as recited in claim 2, or presenting on the ordering party terminal a display prompting entry of *the plurality of* selling parties *for receiving* the price revision as recited in claims 12 and 20, as described in paragraph 4 of the Office Action. In particular, the Forbis et al. publication *fails to* disclose *a plurality of* selling parties. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that claims 2, 12 and 20, as now amended, are not anticipated by the prior art of record.

Moreover, Applicants believe that the dependent claims 3, 8, 9, 13-16 and 18 are also allowable over the prior art of record in that they depend directly or indirectly from independent claims 2 and 12, and therefore are allowable for the reasons stated above. Also, the dependent claims 3, 8, 9, 13-16 and 18 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claims, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Claim Rejections - 35 U.S.C. § 103

In pages 5-7 (paragraphs 3 and 4) of the Office Action, claims 2, 4, 5, 7, 10, 12, 17 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Forbis et al. publication in view of U.S. Patent Application Publication No. 2003/0018558 to Heffner et al. (hereinafter "Heffner et al. publication"). In response, Applicants have amended claims 2, 5 and 12 as mentioned above.

Claims 2, 4, 10, 12, 17 and 19

Independent claim 2 now recites displaying information prompting the ordering party to enter *the plurality of* selling parties *for receiving* the price revision. Independent claim 12 now recites presenting on the ordering party terminal a display prompting entry of *the plurality of* selling parties *for receiving* the price revision. These arrangements are *not* disclosed or suggested by the Forbis et al. publication, the Heffner et al. publication or any other prior art of record.

Specifically, the Forbis et al. publication *fails to* disclose or suggest displaying information prompting the ordering party to enter *the plurality of* selling parties *for receiving* the price revision as recited in claim 2, or presenting on the ordering party terminal a display prompting entry of *the plurality of* selling parties *for receiving* the price revision as recited in claim 12, as described in paragraph 4 of the Office Action. Furthermore, paragraph [0254] of the Heffner et al. publication merely discloses a trading system allowing buyers to create a list of sellers so that the buyers will only see loans *posted by* the selected list of sellers. Thus, the Heffner et al. publication does *not* disclose or suggest displaying information prompting the ordering party to enter *the plurality of* selling parties *for receiving* the price revision or presenting on the ordering party terminal a display prompting entry of *the plurality of* selling parties *for receiving* the price revision.

Currently, under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides a reason for the desirability of the modification. Accordingly, the prior art of record lacks any reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a price revising method or a price revising system.

Moreover, Applicants believe that the dependent claims 4, 10, 17 and 19 are also allowable over the prior art of record in that they depend from independent claims 2 and 12, and therefore are allowable for the reasons stated above. Also, the dependent claims 4, 10, 17 and 19 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in the independent claims, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Claims 5-7

Independent claim 5 now recites prompting the ordering party to enter a designation to associate all selling parties having contracts containing the cost parameter, such that *the selling parties* having contracts containing the cost parameter *receive* the price revision. This arrangement is *not* disclosed or suggested by the Fobis et al. publication, the Heffner et al. publication or any other prior art of record.

Specifically, the Forbis et al. publication *fails to* disclose or suggest prompting the ordering party to enter a designation to associate all selling parties having contracts containing the cost parameter, such that *the selling parties* having contracts containing the cost parameter *receive* the price revision as recited in claim 5, as described in paragraph 4 of

the Office Action. Furthermore, paragraph [0270] of the Heffner et al. publication merely discloses a system allowing buyers to send a comment to a seller. More specifically, in the Heffner et al. publication, the buyer sends a comment *asking a particular seller to send* him any other pools having similar loans. Therefore, the Heffner et al. publication does *not* disclose prompting the ordering party to enter a designation to associate all selling parties having contracts containing the cost parameter, such that *the selling parties* having contracts containing the cost parameter *receive* the price revision as recited claim 5.

Currently, under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art provides a reason for the desirability of the modification. Accordingly, the prior art of record lacks any reason, suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a price revising method.

Moreover, Applicants believe that the dependent claims 6 and 7 are also allowable over the prior art of record in that they depend from independent claim 5, and therefore are allowable for the reasons stated above. Also, the dependent claims 6 and 7 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in the independent claim, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

Appl. No. 10/808,445
Amendment dated June 5, 2007
Reply to Office Action of March 9, 2007

Conclusion

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 2-10 and 12-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/ David L. Tarnoff /
David L. Tarnoff
Reg. No. 32,383

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: 06/05/2007

S:\05-MAY07-MLB\NS-US035178 Amendment.doc